

2009 Feb 04 PM 01:33

CLERK U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
AKRONTHE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

IN RE:	)	CHAPTER 13
	)	CASE NO: 03-56093
ANNETTE K POWELL	)	
	)	MARILYN SHEA-STONUM
	)	BANKRUPTCY JUDGE
	)	
Debtor(s)	)	TRUSTEE'S MOTION TO MODIFY
	)	PLAN AND INCREASE DEBTOR(S)
	)	MONTHLY PAYMENTS IN CASE
	)	FILED PRIOR TO THE EFFECTIVE
	)	DATE OF THE BANKRUPTCY
	)	ABUSE PREVENTION AND
	)	CONSUMER PROTECTION ACT OF
	)	2005
	)	
	)	<b>THIS MODIFICATION IS</b>
	)	<b>EFFECTIVE AS OF 03/14/2009</b>
	)	<b>UNLESS AN OBJECTION IS FILED</b>
	)	<b>WITH THE COURT</b>

Now comes Keith L. Rucinski, the Chapter 13 Trustee, and moves this Court for an order modifying the confirmed Chapter 13 Plan pursuant to 11 USC Section 1329. The Trustee states that the current payments into the Plan are not sufficient to allow the Debtor(s) to complete all payments within 60 months from the date of confirmation as required by 11 USC Section 1322(d) and 11 USC Section 1325(b)(1)(B), as said Code section existed prior to the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

The Trustee states that the Plan payments must be increased from the current payment of \$ **1,018.00** per month to a payment of \$ **4,366.00** per month.

Further, the Trustee states that the following were found:

Priority claim #17-1 was filed by John Donofrio in the amount of \$6,701.75 on 2/3/09. Also, other priority claims filed by the Attorney General of Ohio, Internal Revenue Service and John Donofrio have caused the plan to extend beyond 60 months.

**In accordance with 11 USC Section 102 and Administrative Order 08-**

**CHAPTER 13**  
Keith L. Rucinski  
Trustee  
1 Cascade Plaza  
Suite 2020  
Akron, Oh 44308

(330) 762-6335  
Fax  
(330) 762-7072  
Email  
krucinski@chl3akron.com

**09, unless a party in interest objects to the Trustee's proposed modification and files a written request for hearing before the Court within 40 days from the date in the below certificate of service, the Trustee's proposed modification shall be deemed an order of the Court which modifies the confirmed Plan pursuant to 11 USC Section 1329(b)(2). Objections must be served on all parties in the below certificate of service. Objections must be filed with the United States Bankruptcy Court at:**

**United States Bankruptcy Court  
2 South Main Street  
455 John F. Seiberling Federal Building  
Akron, OH 44308-1810**

Respectfully submitted,

**/s/ Keith L. Rucinski**

Keith L. Rucinski, Chapter 13 Trustee  
Ohio Reg. No. 0063137  
One Cascade Plaza, Suite 2020  
Akron, OH 44308  
Phone: 330.762.6335  
Fax: 330.762.7072  
Email: [krucinski@ch13akron.com](mailto:krucinski@ch13akron.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been sent to:

ANNETTE K POWELL  
915 DIANA AVE  
AKRON, OH 44307  
(via Regular Mail)

BETTY GRONER (via ECF)

Keith L. Rucinski, Chapter 13 Trustee (via ECF)

Office of the US Trustee (via ECF)

Date of Service: **2/4/2009**

By: **JoAnn Romig**  
Office of the Chapter 13 Trustee

**CHAPTER 13**  
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